

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
May 27-31, 2002

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
5-29	EX	75/866,849	Allina Health System	Cissel Hanak (D) Walters*	2(e)(2)	Refusal Affirmed		"HEART INSTITUTES OF AMERICA" [cardiovascular health care services]		Fink	No
5-29	EX	75/595,241	WWWeb Impressions, LLC	Cissel Seeherman* Rogers	2(d); Section 6 disclaimer requirement (of term "WWWEB")	Refusal Affirmed		"WWWEB IMPRESSIONS" [computer services, namely, design and implementation for others of global computer network websites]	"NETIMPRESSIONS" [computer services provided through a global computer network, namely, designing, implementing, and maintaining web sites for others]	Tambourino	No
5-29	EX	75/911,990	Quiring Monuments, Inc.	Cissel Quinn Hohein*	2(e)(1)	Refusal Affirmed		"MONUMENTS.COM" [design for others of cemetery, commemorative and decorative memorials made of stone]		Khan	No
5-29	EX	75/525,798	Kadence (UK) Ltd.	Wendel* Holtzman Drost	2(d)	Refusal Affirmed		"KADENCE" [market research and market analysis]	"CADENCE GROUP" [business management and consultation, business research, temporary employment and job placement, and general information clearinghouse services]	R. Clark	No
5-29	EX	75/933,706	Moor Systems Int'l., Inc.	Seeherman Hanak Quinn*	2(d)	Refusal Affirmed		"NATURE'S CODE SKIN. HEALTH. LIFE [herbal supplements]	"NATURE'S CODE" [vitamins and nutritional supplements]	Olandria	No

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5-30	EX	75/215,519	The American Academy of Facial Plastic and Re-constructive Surgery	Simms* Hanak (D) Bucher	2(e)(1) (genericness); whether the display of the words that compose applicant's mark is inherently distinctive or has acquired distinctive-ness under Section 2(f)	Refusal Affirmed		"FACIAL PLASTIC SURGERY" (in a design format) [training in plastic facial and reconstructive surgery techniques and practices and distributing course material in connection therewith; association services, namely, promoting the interests of facial plastic surgeons and reconstructive surgeons, research in the field of plastic surgery and reconstructive surgery and related basic sciences, namely, anatomy, pathology, biology, chemistry, physiology, and wound healing; indicating membership in an association of facial plastic and reconstructive surgeons]		W. K. Price	Yes

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5-30	EX	75/883,870	Island Oasis Frozen Cocktail Co., Inc.	Simms* Wendel Drost	2(d)	Refusal Reversed		"ISLANDER" [non-alcoholic bases and concentrates used in making frozen drinks, both alcoholic and non-alcoholic; frozen drinks, both alcoholic and non-alcoholic; smoothie beverages consisting primarily of fruit base, ice, and ice cream or yogurt; and smoothie beverages consisting primarily of fruit base and ice]	"ISLANDER COFFEE HOUSE" [restaurant services]	Davis	No
5-30	EX	75/921,736	Telect, Inc.	Seeherman* Quinn Drost	2(d)	Refusal Affirmed		"MEGAWAVE" [fiber optic cables; fiber optic termination cabinets; fiber optic cable frameworks for housing fiber optic termination cabinets; fiber optic terminal blocks; fiber optic patchcords; fiber optic jumper cables; and multi-fiber optic cable connectors for cross-connecting fiber optic telecommunications equipment]	"MEGAWAVE CORPORATION" (and design) [custom manufacture of antennas; engineering, design, testing and consultation in the field of electromagnetics, antenna and radio wave propagation; computer software for analyzing electromagnetics related problems; antennas]	Awrich	No
5-31	EX (R)	75/679,267	Dr. Mitchell Swartz	Quinn Bottorff Drost*	2(d)	Request for Reconsideration Denied (Refusal Affirmed)		"SUN-BUG" [sun screen containing insect repellant]	"SUN & BUG STUFF" [insect repellant containing sunscreen]	B. Rupp	No

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5-31	EX	75/860,737	The Sherwin-Williams Co.	Hairston* Wendel Bucher	2(e)(1)	Refusal Reversed		"PALETTE MATCH" [interactive computer programs and computer software for use in creating, displaying and visualizing paint colors and decorating features]		Krebs	No
5-31	EX	75/699,535	Family Dollar Marketing, Inc.	Quinn Hairston* Chapman	2(d)	Refusal Affirmed		"GABRIELLE INTIMATES" [ladies' sleepwear, camisole and party sets wherein each set comprises a camisole and a panty]	"GABRIELLE" (in stylized lettering) [hosiery; ladies', misses' and children's slips, panties, pajamas, and nightgowns]	Capshaw	No
5-31	OPP	114,496	Osmond Foundation, for the Children of the World v. Maria Perez	Hanak* Quinn Bottorff	2(d)	Opposition Dismissed	"CMN" [charitable fund raising services and monetary donations; radio and television programming and broadcasting, and production of radio and television programs in the field of children and children's issues; providing health care information, <i>plus other marks in incorporating the term "CMN" for the same services</i>]	"CMN CASE MANAGEMENT NETWORK, INC." (and design) [nursing case management services]			No
5-31	EX	75/889,614	Fame Jeans, Inc.	Seeherman Hohein* Bottorff	2(d)	Refusal Affirmed		"MOTO JEANSWEAR" [clothing, namely, jeans, jeans tops and jeans jackets]	"MOTO WEAR" (and design) [garments for motorcycle riders, namely, jackets and one-piece overall riding suits]	Hella	No

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5-31	EX	75/625,493	CurtCo Freedom Group, L.L.C.	Chapman Bottorff Drost*	2(e)(1)	Refusal Affirmed		"CRM" [magazines in the field of business]		Stokols	No
5-31	EX	75/698,423	CurtCo Freedom Group, L.L.C.	Seeherman* Hohein Wendel	2(e)(1)	Refusal Affirmed		"ECRM" [magazines in the field of business]		Stokols	No
5-31	EX	75/694,109	Zelby Industries, L.L.C.	Cissel Hanak* Quinn	2(d)	Refusal Affirmed as to services in Class 36; Refusal Reversed as to services in Class 42		"SURF CARD" [<i>in Class 36</i> : credit card and debit card services; <i>in Class 42</i> : providing an on-line link to commercial, retail and informational web sites of other companies and individuals; providing search engines for obtaining data on a global computer network]	"THE SURFER'S CARD" [financial services, namely, credit card and debit card services, including providing consumers with credit in connection with the sale of merchandise and services]	Bresso	No
5-31	EX	75/558,859	Von Verde Citrus Packing House, Inc.	Quinn* Walters Rogers	2(d)	Refusal Affirmed		"CACTUS ROSE" [fresh citrus fruit, namely, tangerines, oranges and lemons, sold exclusively through a non-profit agricultural cooperative]	"CACTUS ROSE SNACKS" (and design) [processed nuts and fruit based snacks]	Feldman	No
5-31	EX	76/045,182	Atico Int'l. USA Inc.	Walters Rogers Drost*	2(e)(1)	Refusal Affirmed		"SUPER ALKALINE" [batteries]		Marcus	No

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